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In re Application of :
WU, et al. : DECISION ON PETITION
U.S. Application No.: 10/506,861 :
PCT No.: PCT/US03/18705 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 12 June 2003 :
Priority Date: 14 June 2002 :
Atty Docket No.: 2207 :
For: UNIVERSAL RETICLE TRANSFER :
SYSTEM :
:

This decision is in response to applicant's "Petition to Add an Inventor" filed 21 June 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 June 2003, applicant filed international application PCT/US03/18705, which claimed priority of an earlier application filed 14 June 2002. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 December 2004.

On 02 September 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a signed declaration.

On 21 June 2005, applicant filed the present petition.

On 29 August 2005, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903).

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided a statement from Chien-Rong Huang declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), a review of the declaration filed 02 September 2004 finds that it includes Chien-Rong Huang as one of the inventors.

As Item (3), applicant has provided payment of the \$130.00 petition fee.

Item (4), applicant has included a signed statement from Kung Chris Wu, CEO and President of the assignee consenting to the addition of Chien-Rong Huang as an inventor.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 12 June 2003 and a date of **02 September 2004** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Applicant is advised that there is no need for the mailing of a new Form PCT/DO/EO/903 as the 371 dates remain the same as indicated in the Form PCT/DO/EO/903 mailed 29 August 2005. The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

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